

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Charles F. Gurney Jr.

Docket No. 5:14-MJ-1260-1

Petition for Action on Supervised Release

COMES NOW Mark Culp, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Charles F. Gurney Jr., who, upon an earlier plea of guilty to 18 U.S.C. § 13, assimilating N.C.G.S. 20-138.1, Driving While Impaired (Level 5), was sentenced by the Honorable Kimberly A. Swank, U.S. Magistrate Judge, on June 15, 2016, to probation for a period of 12 months.

Charles F. Gurney Jr. was sentenced on June 15, 2016, at which time the term of probation commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On August 12, 2016, the defendant reported to the U.S. Probation Office in the Western District of Texas, Austin Division, to complete his initial intake. During this meeting the defendant admitted to smoking marijuana on a regular basis and advised that he last smoked marijuana on July 29, 2016. The drug screen specimen subsequently returned positive for marijuana and the defendant signed the Admission form acknowledging the use.

On August 15, 2016, the defendant submitted a urine specimen which tested positive for marijuana and cocaine.

In further discussions with the defendant, he admitted to using marijuana, alcohol, cocaine, and Xanax to self-medicate and manage his stress and anxiety. As a result of the defendant's admissions, the probation office respectfully requests that the noted modifications be granted in order to assist the defendant in addressing his substance abuse addiction, manage his mental health needs and regain his sobriety.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall reside in and participate in a residential drug or alcohol treatment program, as directed by the probation officer, until satisfactorily discharged by the program director. The defendant may be required to contribute to the costs of services rendered (copayment) in an amount to be determined by the probation officer, based on the defendant's ability to pay.
2. The defendant shall abstain from the use of alcohol and/ or all other intoxicants during the term of supervision.
3. The defendant shall submit to an evaluation for mental health counseling as directed by the probation officer, and if deemed necessary by the probation officer, the defendant shall participate in a mental health program approved by the probation officer. The defendant may be required to contribute to the costs of services rendered (copayment) in an amount to be determined by the probation officer, based on the defendant's ability to pay.
4. The defendant shall take any and all prescribed medication as directed by a medical doctor/psychiatrist.

Except as herein modified, the judgment shall remain in full force and effect.

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Reviewed and approved,

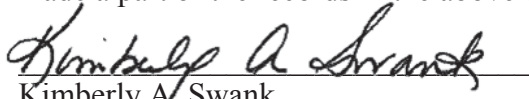
I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Eddie J. Smith
Eddie J. Smith
Supervising U.S. Probation Officer

/s/ Mark Culp
Mark Culp
U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: 910-354-2543
Executed On: August 22, 2016

ORDER OF THE COURT

Considered and ordered this 23rd day of August, 2016, and ordered filed and
made a part of the records in the above case.


Kimberly A. Swank
U.S. Magistrate Judge